

Calendar No. 599

104TH CONGRESS }
2d Session }

SENATE

{ REPORT
104-375

NEW BEDFORD WHALING NATIONAL HISTORICAL PARK

SEPTEMBER 30, 1996.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 608]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 608) to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 13, strike “and”.

On page 2, strike lines 14 through 16 in their entirety.

On page 2, line 14, insert:

“(4) during the nineteenth century, over two thousand whaling voyages sailed out of New Bedford for the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities; and

“(5) the National Park System presently contains no sites commemorating whaling and its contribution to American history.”.

On page 2, line 23, strike “local” and insert “associated”.

On page 5, after line 6, insert:

“(c) RELATED FACILITIES.—To ensure that the contribution of Alaska Natives to the history of whaling in the United States is fully recognized, the Secretary shall provide—(1) financial and other assistance to establish links between the New Bedford Whaling National Historical Park and the North Slope Borough Cultural Center, lo-

cated in Barrow, Alaska; and (2) to provide other appropriate assistance and funding for the North Slope Borough Cultural Center.”

On page 7, line 22, strike “park.” and insert “park, and to carry out the activities under section 3(c).”.

PURPOSE OF THE MEASURE

The purpose of S. 608 is to establish New Bedford Whaling National Historical Park in Massachusetts in order to preserve and interpret the nineteenth century whaling industry.

BACKGROUND AND NEED

Interest in preserving the maritime history of New Bedford, Massachusetts began in the 1960s. New Bedford served as the center of the whaling industry during its peak from 1820 to 1860. Following the collapse of commercial whaling, the textile industry created another boom of New Bedford. By the early 1960s, economic decline had caused decay of the city’s historic waterfront. A city-sponsored urban renewal program threatened the entire area with demolition. In response, the Waterfront Historic Area League of New Bedford, Inc. (WHALE) was organized to preserve the waterfront area and thereby preserve the city’s whaling history. WHALE was successful in leading a comprehensive program to preserve, rehabilitate and reuse architecturally significant buildings in the waterfront area. WHALE also helped establish the New Bedford National Historic Landmark District in 1966.

In 1988, the Massachusetts Department of Environmental Management developed a Heritage State Park master plan as part of revitalization initiative, in cooperation with the city of New Bedford. The program was intended to assist cities with resource protection and economic development by creating parks in historic urban areas. Under this program, a plan for New Bedford’s waterfront area was developed but never implemented, as the State ceased funding the Heritage Park program.

Since WHALE’s initial investment in the Waterfront Historic District buildings, some of the most valued rehabilitated buildings are again showing the effects of deferred maintenance. Other significant buildings, bypassed in the earlier program, are in need of substantial rehabilitation.

At the request of the Massachusetts delegation, including Senators Kennedy and Kerry, Congress appropriated funds in 1990 for a National Park Service Special Resource Study to consider the feasibility of creating a national park in New Bedford. The study was completed by the National Park Service in November 1993, and recommends designation of the New Bedford National Historic Landmark District and the National Historic Landmark Schooner *Ernestina* as a national historical park, based on the agency’s criteria for national significance, suitability and feasibility. Under the designation, the National Park Service would plan and implement programs at the park in cooperation with local organizations.

S. 608 would establish New Bedford Whaling National Historical Park, to be administered by the National Park Service. The bill authorizes the Secretary of the Interior to enter into cooperative

agreements with interested entities and individuals to preserve, develop, and interpret the park. Non-Federal matching requirements are outlined for cooperative agreements and construction, restoration, and rehabilitation of visitor and interpretive facilities. Real property may be acquired by the Secretary solely through donation.

S. 608 is more conservative in its authorization of appropriations than a similar bill from the last Congress (S. 1871): funds for construction, restoration and rehabilitation of visitor and interpretive facilities and signs are limited to \$2 million, and no more than \$50,000 annually may be used for interpretive and educational programs for the Schooner Ernestina.

LEGISLATIVE HISTORY

Senators Kennedy and Kerry introduced S. 608 on March 23, 1995. A hearing was held by the Subcommittee on Parks, Historic Preservation and Recreation on November 9, 1995. A similar bill, S. 1871, was introduced by Senators Kennedy and Gregg during the 103rd Congress. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1871 on August 2, 1994. No further action was taken. Similar legislation was introduced in the House of Representatives through H.R. 1307 (Frank, Blute) on March 23, 1996. The bill was referred to the House Resources Committee. No further action has been taken.

The legislative language of S. 608 is included in S. 1720 (Dole, Kennedy, Kerry), a bill to establish the Nicodemus National Historic Site and the New Bedford Whaling National Historic Landmark. S. 1720 was introduced on May 1, 1996, and was ordered held at the desk. S. 1720 passed the Senate on May 2, 1996 by unanimous consent.

At the business meeting on September 12, 1996, the Committee on Energy and Natural Resources ordered S. 608 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 12, 1996, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 608, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 608, the Committee adopted an amendment which would add a section to the Congressional findings stating that in the nineteenth century, over two thousand whaling voyages sailed out of New Bedford to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities.

The amendment would authorize the Secretary of the Interior to provide financial and other assistance to the North Slope Borough Cultural Center in Barrow, Alaska, in order to establish links with the historical park and to ensure that the contribution of Alaska Natives to the history of whaling in the United States is fully recognized.

SECTION-BY-SECTION ANALYSIS

Section 1(a), as amended, contains five Congressional findings: (1) the New Bedford National Historic Landmark District and associated historic sites, including the Schooner *Ernestina* are listed on the National Register of Historic Places; (2) New Bedford was the nineteenth century capital of the world's whaling industry; (3) New Bedford's historic resources provide opportunities for illustrating and interpreting the whaling industry's contributions to the economic, social and environmental history of the United States; (4) during the nineteenth century, whaling voyages sailed out of New Bedford for the Arctic region of Alaska, and joined Alaska natives in subsistence whaling activities; and (5) the National Park Service presently contains no sites commemorating whaling and its contributions to American history.

Section 1(b), as amended, defines the purposes of the Act as helping to preserve, protect and interpret the resources described within the Act; collaborating with the city of New Bedford and associated historical, cultural and preservation organizations; and providing opportunities for inspirational and educational benefits.

Section 2 provides definitions for terms used throughout the Act.

Section 3(a) establishes New Bedford Whaling National Historical Park as a unit of the National Park System.

Section 3(b)(1) defines the boundaries of the park as described on a map.

Section 3(b)(2) authorizes the Secretary of the Interior (Secretary) to assist with the preservation and interpretation of specific areas in New Bedford that are not included within the boundaries of the park.

Section 3(c) directs the Secretary to provide financial and other assistance in order to establish links between the Park and the North Slope Borough Cultural Center in Barrow, Alaska, and to provide other appropriate assistance and funding for the North Slope Borough Cultural Center.

Section 4(a) directs that the Park will be administered in accordance with provisions of law applicable to units of the National Park System.

Section 4(b)(1) authorizes the Secretary to enter into cooperative agreements in order to provide for the preservation, development and use of the Park.

Section 4(b)(2) states that any payment made by the Secretary pursuant to a cooperative agreements shall be subject to an agreement that conversion, use or disposal of the project assisted by the agreement contrary to the purposes of the Act shall result in a right of the United States to reimbursement.

Section 4(c)(1) directs that Federal funds be matched by non-Federal funds, \$4 non-Federal to \$1 Federal for cooperative agreements, and a 50–50 match for construction, restoration and rehabilitation.

Section 4(c)(2) authorizes the Secretary to accept and utilize contributions from non-Federal sources, and states that any donation of property, services, or goods from a non-Federal source may be considered in meeting the requirement for non-Federal matching funds.

Section 4(d) directs that the Secretary may only acquire lands and interests within the park by donation.

Section 4(e) authorizes the Secretary to accept donated funds, property, and services in order to carry out the Act.

Section 5 directs the Secretary to complete a general management plan for the park and submit the plan to the appropriate Congressional Committees within two years of enactment.

Section 6 authorizes appropriated sums as necessary, with the exceptions that not more than 2 million dollars may be appropriated for construction, restoration and rehabilitation of visitor and interpretive facilities; none of the appropriated funds may be used for the operation and maintenance of the schooner *Ernestina*; and not more than \$50,000 annually of Federal funds may be used for interpretive and educational programs for the schooner *Ernestina*.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 608, a bill to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and for other purposes, as reported by the Senate Committee on Energy and Natural Resources on September 16, 1996. Assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend about \$11 million to implement this bill over the next five years, including \$1.5 million for planning and development and \$9.5 million for park operations and assistance to nonprofit organizations and other nonfederal parties. Additional one-time costs of \$1.2 million and ongoing expenses of about \$3 million a year would be incurred after 2001. S. 608 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 608 would establish the New Bedford Whaling National Historical Park. The park's boundaries would encompass four areas in or near the New Bedford National Historic Landmark District. The National Park Service (NPS) would be permitted to acquire property within the park boundaries only by donation. Section 4 of the bill would authorize the NPS to: (1) enter into cooperative agreements with interested parties for preservation and interpretive purposes within the park or on five additional sites identified by section 3, and (2) provide technical and financial assistance to the North Slope Borough Cultural Center in Barrow, Alaska for the purpose of interpreting the contributions to the history of whaling made by Alaska natives. Section 5 would require the NPS to prepare a general management plan for the park within two years.

Section 6 would authorize the appropriation of whatever sums are necessary for annual activities such as park operation and maintenance and programs carried out under cooperative agreements, except that no appropriations could be used for operating or maintaining one privately owned park area (the Schooner *Ernestina*) and federal funding of interpretive programs aboard the vessel would be limited to \$50,000 annually. Finally, this section would limit appropriations for the development of interpretive and visitor facilities to \$2 million.

CBO estimates that the NPS would spend about \$0.7 million over the next three years to prepare a management plan for the park and complete other needed studies and reports on park resources. Over the following several years, the agency would spend \$2 million to develop visitor facilities, which could include a main orientation center (and related exhibits) as well as a number of smaller interpretive sites. Other startup costs would include spending for minor restoration projects at the five New Bedford sites eligible for federal assistance under section 3. Such activities, along with local interpretive and educational projects and assistance to the Schooner *Ernestina* and the North Slope Borough Cultural Center, would be funded through cooperative agreements under section 4. CBO estimates that the costs of cooperative agreements would be about \$0.4 million in 1997, rising to about \$1.1 million annually by 1999. Annual costs to operate and maintain the park would be about \$0.3 million in 1997 and would rise to \$1.8 million by 2001.

The above estimates are based on information provided by the NPS and assume appropriation of the entire amounts authorized for development purposes or estimated to be necessary for cooperative agreements and park operations.

the bill contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no costs on state, local, or tribal governments. The Secretary of the Interior would make some of the funds that are authorized by this bill available to parties—including state and local governments—that enter into cooperative agreements with the Secretary for operating, developing, and preserving resources within the park. Generally, the Secretary would match one dollar of federal funds for each four dollars of nonfederal funds; however, the matching rate would be one-to-one for constructing, restoring, and rehabilitating facilities.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and John Patterson (for the impact on state and local governments).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 608. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 608, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 13, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 608. These reports had not been received at the time the report on S. 608 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing follows:

TESTIMONY OF DENIS P. GALVIN, ASSOCIATE DIRECTOR FOR PROFESSIONAL SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I am pleased to be here to testify on a bill that would create the New Bedford Whaling National Historical Park in New Bedford, Massachusetts.

We support the enactment of S. 608. We are pleased to note that recommendations we made regarding similar legislation introduced in the 103rd Congress have been incorporated into the current legislation. We also should note that the proposed new unit has been carefully studied and found to be suitable for addition to the National Park System.

This legislation would establish a new unit of the National Park System in New Bedford, Massachusetts, the New Bedford Whaling National Historical Park. The proposed park would interpret the nationally significant story of nineteenth century whaling and its associated social, economic and environmental themes. The historical park would assure the preservation, protection and interpretation of the resources associated with the whaling era in New Bedford including its architecture, setting, associated archival and museum collections, and the Schooner *Ernestina*.

The legislation calls for collaboration among the National Park Service, the City of New Bedford and local historical, cultural, and preservation organizations to further the purposes of the park. The Secretary of the Interior is authorized to enter into cooperative agreements with interested entities and individuals to provide for the preservation, interpretation, development, and use of the park. The legislation requires that federal funds be matched by non-federal funds: \$4 none-federal to \$1 federal for cooperative agreements; \$1 to \$1 for construction, restoration and rehabilitation of visitor and interpretive facilities.

In 1990, the Congress directed the NPS to undertake a special resource study and to consider the feasibility of creating a national park in New Bedford. On June 10, 1994, we presented to the Congress the "New Bedford Special Resource Study," a cooperative effort by the National Park Service and Waterfront Historic Area League (WHALE) of New Bedford. Specifically, the study found that "the New Bedford National Historic Landmark District and the adjacent sites represent an outstanding example of buildings, sites, and streets associated with the whaling industry, a subtheme not fully represented in the National Park System. The District and historic sites also have exceptional value in representing the theme of maritime history." The study's assessment of national significance concluded that "taken together, the National Historic Landmark District, the National Landmark *Ernestina*, and the other historic resources present at New Bedford clearly meet the criteria for national significance. If the story of whaling, with the human themes that are rightfully embraced within it, is to be preserved and presented anywhere, New Bedford is the logical and most suitable location to do so."

The area reviewed in the "New Bedford Special Resource Study" comprises approximately 13 city blocks reaching from the waterfront westward into New Bedford's downtown. The resources located in that area represent a broad array of business, residential, and institutional structures that convey the importance, cultural diversity, and financial power of the whaling era. These structures continue to serve the needs of the waterfront community and the city's broader population.

There is significant public support for the establishment of a National Historical Park in New Bedford. We also understand that there is strong commitment in the city, and among local historical and preservation organizations to work with the National Park Service to protect the resources associated with the whaling heritage of New Bedford. The presence of strong local institutions and intensive public interest contribute to the strength of the partnership in New Bedford. Local partnerships can support the National Park Service in educational programs, production of informational materials, coordination of volunteers, and other activities which will enhance and expand the Service's efforts.

Mr. Chairman, we consider the New Bedford Whaling National Historical Park to be a valuable addition to the National Park System. Based on studies of the site and other research, we have concluded that New Bedford is the location in the United States possessing a concentration of resources to best interpret the whaling era. The proposed New Bedford Whaling National Historical Park is of sufficient size and configuration to accommodate public use. The partnership and cost-sharing requirements outlined in the legislation are important factors for ensuring local financial responsibility and investment. If S. 608 is enacted,

funding for the proposed project would be contingent upon Federal budgetary constraints and the Administration's funding priorities.

I appreciate the opportunity to provide the Administration's views on this bill. I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 608 as reported.

